

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LAURA SPEAR,

Plaintiff,

v.

ORDER
11-CV-00012A(F)

CITY OF BUFFALO, BUFFALO POLICE
DEPARTMENT, OFFICER JEROME
HAZLETT, and OFFICER FRANKLYN E. KING,

Defendants.

The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On March 18, 2013, Magistrate Judge Foschio filed a Report and Recommendation (Dkt. No. 37), recommending that the claims against the Defendant Buffalo Police should, based on the plaintiff's concession, be dismissed, that defendants' motion (Dkt. No. 28) for judgment on the pleadings should be granted, and that defendants' motion for summary judgment should be dismissed as moot. The Magistrate Judge further recommends that plaintiff's cross motion (Dkt. No. 31) for leave to file a further amended complaint should be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, the claims against defendant Buffalo Police are dismissed based on plaintiff's concession. The

defendants' motion (Dkt. No. 28) for judgment on the pleadings is granted, and defendants' motion for summary judgment is dismissed as moot. Plaintiff's cross motion (Dkt. No. 31) is denied.

The case is referred back to Magistrate Judge Foschio for further proceedings..

IT IS SO ORDERED.

Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: April 4, 2014